



# West Virginia Division of Highways Procedure: **Reimbursement Agreements Between the DOH and Volunteer or Part Volunteer Fire Departments**

*Issued by the Commissioner of Highways*

Policy No: DOH 5.1

Issue Date: 03/01/2021

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## 1.0 PURPOSE

The Legislature passed SB625 during the 2018 Regular Session. The bill became effective on June 8, 2018. As part of that legislation, the Commissioner of the Division of Highways (herein after Highways or Commissioner) is authorized to reimburse volunteer and part volunteer fire departments for tree and debris removal in limited circumstances as pursuant to W. Va. Code §17-2A-8d.

The purpose of this guidance document is to establish the circumstances under which a volunteer or part volunteer fire department may seek reimbursement for tree and debris removal.

The Division of Highways will not reimburse any fire department for tree or debris removal if the department is not certified by and in good standing with the State Fire Commission and does not meet other requirements of this policy.

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## 2.0 DEFINITIONS

As determined by the State Fire Marshal:

- 2.1 A **"Combination Fire Department"** is a department where one or more of the firefighters receive compensation for working as a firefighter on a full-time, "per call", or an hourly basis. In addition to paid firefighters, the department also employs volunteer members.
- 2.2 A **"Volunteer Fire Department"** is a department which provides fire protection services to a specific geographical area under the authority having jurisdiction. The "authority having jurisdiction" may be a private corporation, company, public corporation, or municipal, county, state, or federal level of government. A Volunteer Fire Department is one in which the members donate their time without compensation.
- 2.3 **"VFD"** for purposes of this policy, means a volunteer or combination fire department.
- 2.4 **"Division"** means the West Virginia Division of Highways, which is an agency within the West Virginia Department of Transportation.

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- 2.5 **“Fiscal year”** means the 12-month period, beginning July 1, and ending on June 30, used by the state for the purposes of accounting for, collecting and disbursing funds.
- 2.6 **“Tree or debris removal”** means clearing the tree or debris that are obstructing the state highway due to a flood, other natural disaster, or similar event. It does not mean clearing a state highway of debris or obstructions that are the result of a traffic accident.

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### 3.0 REGISTRATION OF VOLUNTEER FIRE DEPARTMENT WITH OASIS

- 3.1 All VFDs must register in the OASIS system prior to submitting an invoice for tree and debris removal. The VFD may create an account in the OASIS system by going to [www.wvoasis.gov](http://www.wvoasis.gov), selecting “VSS”, and following the prompts to create an account.
- 3.2 The Division is prohibited by law from paying an invoice from a VFD not properly registered in the OASIS system.

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### 4.0 REIMBURSEMENT AGREEMENTS

The Commissioner of Highways may enter into master reimbursement agreements with a VFD if the following conditions are met:

- 4.1 The VFD is a registered vendor with the Division of Purchasing.
- 4.2 The VFD is certified and in good standing with the State Fire Marshal.
- 4.3 The VFD complies with all applicable environment laws and rules.
- 4.4 The VFD complies with all the Division’s safety requirements.
- 4.5 The VFD provides proof of current workers’ compensation insurance, if applicable and required by law; and
- 4.6 The VFD agrees to maintain liability insurance coverage in the amount of one million dollars (\$1,000,000) and agrees to indemnify and hold the Division harmless for acts or omissions caused by the VFD.
- 4.7 VFD shall not request of Division reimbursement for any work associated with Project for which VFD is seeking or intends to seek, reimbursement or payment from any other source for the same work.

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- 4.8 If VFD receives reimbursement from both Division and another source for the same Project, VFD agrees to reimburse Division the full amount paid to VFD by Division under this agreement.

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### **5.0 REQUIREMENTS FOR DEBRIS REMOVAL**

- 5.1 The VFD notifies the Division of trees or debris impeding normal traffic flow.
- 5.2 The Division may direct the VFD as to whether the VFD will remove the tree or debris from the roadway to the right-of-way in order to allow the public to safely travel upon the road. The Division is responsible for the final disposal of the tree or debris and will not reimburse the VFD should it decide to dispose of the of the tree or debris on its own.
- 5.3 Under no circumstance may the removed tree or debris be placed where it will obstruct traffic; in a ditch within the right-of-way; on any property access/driveway; or in any river, stream, or creek.
- 5.4 A VFD may be reimbursed for tree or debris removal without prior request of the Division if:
  - A. The VFD is a first responder, and the tree or debris must be removed to allow the public to safely travel upon the road; and
  - B. The VFD requests approval for the removal as soon as possible after the event and enters into an agreement with the Division that complies in all respects, except for being requested by Highways, to clear the state highway.
- 5.5 The Division will reimburse a VFD only for the actual costs incurred in removing the tree or debris. This reimbursement does not include costs associated with responding to the event that caused the tree or debris to be on a state highway.
- 5.6 The Division will not reimburse a VFD for services contracted out by the VFD.

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### **6.0 REQUIRED DOCUMENTATION AND AUDITING REQUIREMENTS**

- 6.1 In addition to entering into an agreement with the Division, the VFD must submit a detailed invoice for the removal services, including without limitation, the following:

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- A. The date and time the Division requested the VFD to clear the highway, or if the removal was completed without prior request of the Division, the date and time the VFD responded to the scene.
  - B. The location of the debris by state highway designation.
  - C. The number of VFD personnel responding.
  - D. The amount of time the removal took, excluding any activity other than tree or debris removal.
  - E. Any equipment or material used in the removal; and
  - F. Any other information requested by the Division.
- 6.2 In no event may the Division reimburse a VFD more than a total amount of \$5,000 in any fiscal year for tree or debris removal.
- 6.3 All invoices are subject to random audit by the Division.

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### **7.0 FEE SCHEDULE**

- 7.1 The Division will authorize payment for labor at the West Virginia minimum wage per fire fighter, for the time actively engaged in tree and/or debris removal and traffic management. The allowable time includes travel time to and from the scene of removal.
- 7.2 The Division will authorize payment for equipment used in tree or debris removal in accordance with FEMA'S SCHEDULE OF EQUIPMENT RATES in effect on the date the VFD is authorized to conduct tree or debris removal.

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### **8.0 RELEVANT MATERIALS/DOCUMENTS**

- 8.1 West Virginia Department of Transportation, Division of Highways Agreement Tree and Debris Removal Statewide

[https://westvirginiaot.sharepoint.com/sites/dot/Docs/DOH%20Forms/VFD\\_tree\\_removal\\_agreement\\_template.pdf](https://westvirginiaot.sharepoint.com/sites/dot/Docs/DOH%20Forms/VFD_tree_removal_agreement_template.pdf).